

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
MARCH 22, 2004

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
MICHAEL REIS
STEPHEN RIVERA
JOSEPH MINUTA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD

REGULAR MEETING

MR. KANE: I'd like to call to order the March 22, 2004
meeting of the New Windsor Zoning Board.

PRELIMINARY MEETINGS:

SIGN LANGUAGE (FOR GOODWILL INDUSTRIES) #04-16

MR. KANE: Request for 30 ft. length for wall sign at 366 Windsor Highway (Shop Rite Plaza) in a C zone.

Mr. Tom Walsh appeared before the board for this proposal.

MR. KANE: You know the drill.

MR. WALSH: What we're putting in front of the board is channel air sign that's 24 inches in height, 40 feet in length overall on a 70 foot store frontage. Looking for an area variance due to the nature of the plaza, a lot of channel letters cannot conform to the, I think it's 2 foot 6 by 10 requirement that typically goes along with a single sided box which I believe there are in the plaza, I believe single sided box they're all channel letters.

MR. KANE: Mike, were you here when we did Shop Rite as a whole, the whole plaza?

MR. REIS: If it was longer than four years ago, no.

MR. KANE: We did all the signing when they took out the old Caldors, cut it back and came right around and we did all the signs there and the entrance signs.

MR. BABCOCK: Paperwork I gave you should be dated. It's January 28, 2000.

MR. KANE: The only reason I asked, I thought we covered all of those signs back then as far as giving them all a variance and limiting to size.

MR. BABCOCK: It appears by reading that, Mr. Chairman, that piece of information grouped all the signs

together and made one big area variance for all the signs in the plaza. So whatever Shop Rite had proposed at that time was the same size sign for each.

MR. KANE: Let me, the applicant is proposing a 2 foot by 30 foot for the stores under 75 feet in frontage, 4 foot by 40 foot for the stores 75 and 225 feet in width.

MR. BABCOCK: Yeah, I don't believe that was the case though.

MR. KANE: That wasn't it?

MR. BABCOCK: No, that's an awful big sign compared to our sign ordinance.

MR. KANE: I have a little bit of problem going 30 feet. How big is the store front on there?

MR. WALSH: Actually, it's 40 feet so you must--

MR. KANE: Well, I've got a bigger problem.

MR. BABCOCK: He needs a 40 foot variance.

MR. KANE: So at that particular store, how far off the street, we're going to want to know, that's probably going to help you a little bit.

MR. WALSH: It's probably somewhere around 175 to 200 feet off the road, it doesn't exceed the height of any of the other signs that are up there.

MR. KANE: What I'd like you to do for the public hearing, grab some pictures from the roadway, take it from the, on each side from the roadway to give us an idea of the depth from the street cause although it doesn't look overly big on this picture--

MR. REIS: What's the acceptable length and width?

MR. BABCOCK: The 2 1/2 by 10 but since he's the distance and he's more than the proper distance off the road, he's allowed a 3 1/2 by 10.

MR. REIS: What is he requesting?

MR. WALSH: Three and a half does not fit into that fascia, we're requesting 20 foot by 40.

MR. KANE: You're not requesting two foot, you have two foot, is this going to be a five foot sign?

MR. WALSH: No, this is two foot in height.

MR. KANE: Don't need any height, not requesting anything on height, just need length?

MR. WALSH: Yes.

MR. KANE: This is 40 feet in length?

MR. WALSH: That's correct.

MR. KANE: Also for the frontage if you could we'd want the total frontage of the building itself, you can do it for the public tomorrow, okay, when looking at this picture right there, is that taking up half the frontage, is that taking up a third?

MR. WALSH: That's taking up, let's see, the frontage is 68.4 inches.

MR. KRIEGER: Also you'd want a wider shot to see the facade that's going to fit into.

MR. KANE: How about Good Will Summer Store cut?

MR. WALSH: Yeah.

MR. KANE: I don't want to mislead them, my opinion is that 40 feet is going to be way too high, way too long, the thing is 20, they've got 65 foot frontage, I'm not opposed to about 20 feet myself, depending on if I know the store, it's pretty well off the road but I think 40 feet--

MR. WALSH: Twenty foot you're talking about a variance or overall?

MR. KANE: Overall which would give you a 10--

MR. BABCOCK: How about part of the, I don't know whether this will work, just Donation Center be put back underneath because you do have the height.

MR. KANE: You only have a two foot channel, right?

MR. WALSH: An alternate would be something I'd entertain if I can put this similar to the daycare, they have an actual like a box that would go in here then I could put Donation Center within that box, you know, the Tutor Time and it has Child Learning Center and there's like a square box that's alongside of that channel, are you familiar with that at all and then what I can do to shorten this up, utilize the logo Super Store and then put a, basically a box, a single sided box that has Donation Center.

MR. KANE: What would that do for the length?

MR. WALSH: Reduce it.

MR. KANE: By? You don't have to be exact.

MR. WALSH: Probably, probably would it bring it in probably 10 feet so that would probably be about 30 feet so I'd only require 20 foot.

MR. KANE: Also taking the logo.

MR. WALSH: The logo is their main identifier.

MR. KANE: Not saying take it away, going a little bit above Good Will, above Super Store.

MR. WALSH: That may be an issue because this is a mounting bar where all the signage goes so if I mount it on here and they, you know.

MR. KANE: Got you.

MR. WALSH: Probably access for electric.

MR. KANE: That's all I have is the total length is you really need to take a look at that for the public hearing.

MR. WALSH: Can I redesign it for a 30 foot with the box?

MR. KANE: How do you feel?

MR. MINUTA: I'd like to see it in context with the rest of the signage and facade.

MR. KANE: Pictures will come in handy.

MR. REIS: Do you have a similar store someplace in the area?

MR. BABCOCK: This is the sign manufacturer, this is not the owner, store owner.

MR. REIS: Have you prepared this sign?

MR. WALSH: I've built many signs for them, actually, this is a duplicate of a sign they have in Hudson.

MR. REIS: Did you need the word super?

MR. WALSH: Well, when they get over a certain square footage, they put super in their stores and this one is over that square footage.

MR. KANE: We'd like you to take it down, I don't mind seeing it in 30 but worst case might bring something in around 20 till we see it, your store front is 65, to go 40 is extreme.

MR. MINUTA: There needs to be unit.

MR. KANE: And pictures from the street to give us a visual because obviously the further from the street your appearance becomes totally different.

MR. WALSH: With this size frontage, I would think that, I would hope that 30 would be acceptable cause I can work with that, if we get down into 20, I have to start losing words which is kind of not what the, what it was about.

MR. REIS: What size store, is it not super?

MR. WALSH: That I would have to check with my client on, I don't know exactly.

MR. REIS: Seems to be it might be an easy compromise if a non super store was 500 and this is 800, just throwing numbers out, if you didn't have the word super, it seems that could still get you.

MR. WALSH: Good Will Store and then Donation Center.

MR. KANE: You're pretty good at working with us, see what you can do for yourself. So if you kick 30 to 20 and whatever you can do, bring that down a little bit, just tell them we're concerned with the length, going above there's nothing we can do because they have the tracking and that would actually not do a lot but see

what you can do to kick that down cause that's what we'll be looking for in the public, at least in my opinion.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Motion that we set up Sign Language Good Will Industries for their requested variance at 266 Windsor Highway.

MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

WILLIAM EICH (FOR STEWART MALL) #04-17

Mr. William Eich appeared before the board for this proposal.

MR. KANE: Request for sign variances as follows: Tax Map #3-3-33.1, directory sign, 3 feet height, directory sign, 80 square feet from lot lines, suite 300 wall sign, 3 ft. 6 in. width, suite 100 & 200 wall sign, 3 ft. 6 inch. Tax map #3-1-33.2, Suite 100 wall sign, 4 ft. width and Suite 200 wall sign 10 ft. width all on Rt. 207 in an NC zone.

MR. EICH: Good evening, I'm representing this application. I'm the manager of this and I'm out for some variances tonight.

MR. KANE: Are these existing signs, William, or is this new stuff?

MR. EICH: No, these are all existing signs that have been there for the last 15 years. There was more signs up, we complied with the building department and took all the extra signs down, so there's only one sign up per business, couple of them are three foot too long that have been there and all the rest of the signs like there's seven other stores are the right width. This directory sign is 3 foot 2 too high, it's been there for 15 years and I'm out to get a variance on that extra three foot. That's on Route 207 Stewart Mall.

MR. KANE: Is that internally lit on those signs on that directory sign?

MR. EICH: Yes, sir.

MR. KANE: Non-flashing?

MR. EICH: Non-flashing.

MR. KANE: Are those lights above it?

MR. EICH: It's a bird or something up there, that's something sitting up there, I don't know. No, I'm sorry, there's a, there's another big pole light behind off to the side, I'm sorry.

MR. KANE: So that's just an optical illusion then?

MR. EICH: Yes, sir.

MR. KANE: Thank you.

MR. EICH: And this is on a timer, goes on at 5 o'clock at night and goes off at 6 in the morning.

MR. KANE: Steady illumination, nothing that's going to detract from drivers coming down 207?

MR. EICH: No, sir. Should I keep going or wait for you?

MR. KANE: You can keep going.

MR. EICH: The next one is a picture of Dragon Nails right next door to it the sign we're requesting a variance of three foot longer on the sign, the signs are already up there, we're just coming in to make it all legal, trying to get a variance. And so it would be a great expense to us if we have to rip all these signs down signs that have been there for years.

MR. KANE: And all these signs approximately have been up about 15 years?

MR. EICH: Yes, sir.

MR. KANE: Any complaints formally or informally about any of these signs?

MR. EICH: None whatsoever, just when I come in here, here's what happened, Mr. Lester Clark used to own the property, the property was sold June of last year and through him purchasing the building in order to get his mortgage through and all that, these had to be complied with and he has money in escrow now and we just have to get a release on this in order to get his money back out of escrow when he bought the property. Now we repaved the lot and everything. This next one there was a big double sign there, we took that down, we repaired a lot in the plaza, made it a decent looking place, there's a bagel store going in there, there's the credit union just purchased, rented from us, Federal Credit Union, so we have all stores rented but two.

MR. KANE: These will be the only variances that are going to be requested as far as signs for this particular mall?

MR. EICH: No, there's five.

MR. KANE: All of them?

MR. EICH: Yes.

MR. KANE: So you have new stores coming in, you're not going to be back at a later point in time?

MR. EICH: No, sir, they're all taken care of, all the other signs are right.

MR. MINUTA: The issue is to take the existing signage and make it in conformance with the code, you're not adding anything?

MR. EICH: Not at all.

MR. BABCOCK: And he's taken down several signs to try to come in compliance. Any new signs he's made come

into compliance and some of the signs are owned by tenants, so it's tough for him to go to an existing tenant and tell them their sign's no good that's been there for 15 years. That's his problem.

MR. KANE: Any other questions?

MR. REIS: No, there's nothing else you can do, Bill, to bring this into conformity? You've done everything you can?

MR. EICH: I've done everything we could, we put a big money value in there already as far as cleaning up and everything and these do look proper, it looks nice all lit up at night, it doesn't look shabby or anything, it's a nice looking mall.

MR. KANE: In your mind's eye, you've taken down a lot of old signs, cleaned everything up and you're trying to, it would be financially a financial hardship to take those signs down and replace them with even conforming signs?

MR. EICH: Yes, sir.

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will. Just for, William, for the public hearing again some pictures just from the roadway looking at the mall.

MR. EICH: Okay.

MR. MINUTA: Accept a motion?

MR. KANE: Yes.

MR. MINUTA: Make a motion that we forward Mr. William Eich for the Stewart Mall to a public hearing for request of sign variances as listed on the document.

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MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

SEYMOUR BORDEN (CARPET MILL OUTLET) #04-18

Mr. Seymour Borden appeared before the board for this proposal.

MR. KANE: Request for sign variances, 38 sq. ft. freestanding, 12 ft. height total all signs all at 294 Windsor Highway in a C zone. Tell us what you'd like to do.

MR. BORDEN: I'd like to leave everything like it is.

MR. KANE: What we're doing is cleaning up all the old signs that have been existing there. Are they illuminated in any way?

MR. BORDEN: I have a scanning sign, yes.

MR. KANE: Flashing illumination or just steady.

MR. BORDEN: Goes on at dark and goes off at 12 o'clock.

MR. KANE: How long have the signs been up?

MR. BORDEN: 1964 sign.

MR. KANE: Do his signs predate zoning?

MR. BABCOCK: There's a little catch to that. The freestanding sign there was a, maybe you could explain it a little better, a little dispute in the property line.

MR. BORDEN: I was on my neighbor's property, he raised hell, I moved it, I had to move it to a lower elevation, therefore, I made the sign a little bit higher, it's no higher than it was before but the elevation brought it up.

MR. BABCOCK: Now, since it's relocated and he's coming here for the wall signs, we want to straighten this out, it's been there, it's fine, it's been relocated, we don't want him to have any problems saying it wasn't the existing sign because it was relocated five inches.

MR. KANE: I know the area very well, the sign itself is similar to other signs in your neighborhood?

MR. BORDEN: Yes.

MR. KANE: In size and appearance?

MR. BORDEN: Yes.

MR. REIS: What brings you to the board?

MR. BORDEN: I got a violation notice.

MR. KANE: Mike's raising money? Any complaints formally or informally except for your neighbor?

MR. BORDEN: No, nobody complained about my signs except the neighbor said it was on his property by five inches.

MR. KANE: Any questions?

MR. RIVERA: No.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: Make a motion that we set up Mr. Seymour Borden for his requested variance at 294 Windsor Highway.

MR. MINUTA: Second it.

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ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

HENRY VAN LEEUWEN #04-19

Mr. Henry Van Leeuwen appeared before the board for this proposal.

MR. KANE: Request for proposed gazebo and existing shed to project between the house and the street at 345 Beattie Road in an R-1 zone.

MR. VAN LEEUWEN: Well, the shed has been there before, it was a pig pen, okay, when it was still a farm, that's been there, I've there 33 years, the shed was there I don't know how many years before that. The gazebo I thought I was doing the right thing, the guy came out and looked at it and said you've got to go to zoning cause I've got three, a little over three acres there, the problem is it's in front of the house instead of--

MR. KANE: Basically, Mike, what we're looking at is two front yards and that's the reason he's here?

MR. BABCOCK: That's correct.

MR. KANE: Corner property in New York State two front yards.

MR. VAN LEEUWEN: You're right.

MR. KANE: Otherwise you wouldn't be here. The shed is similar in nature to other sheds in your neighborhood?

MR. VAN LEEUWEN: Yes.

MR. KANE: Same as the gazebo, if there are other ones out there?

MR. VAN LEEUWEN: It's white.

MR. KANE: Doesn't change the appearance of your neighborhood?

MR. VAN LEEUWEN: No.

MR. KANE: Proposed, the existing shed has been there for 30, 40 years?

MR. VAN LEEUWEN: I've been there 33 years, it was there when I got there, I just put a concrete foundation under it.

MR. KANE: Ever have any permit or anything like that, the shed that we know of?

MR. BABCOCK: I think when he did maintenance to it we did, Mr. Chairman.

MR. VAN LEEUWEN: When I fixed it, no, I don't think so.

MR. KANE: Is there electric to the shed?

MR. VAN LEEUWEN: Yes.

MR. KANE: You still have to pass everything with the building department getting the C.O. on it.

MR. VAN LEEUWEN: Okay.

MR. KANE: Because we allow you to have it there doesn't mean that it's totally legal unless he says so.

MR. VAN LEEUWEN: He can come out and take a look.

MR. KANE: Electric all has to pass code.

MR. VAN LEEUWEN: It will.

MR. REIS: I have done business with Mr. Van Leeuwen in

the past but in no way this would affect my voting on this. I've got a question though, according to language, proposed gazebo, the gazebo is now there?

MR. VAN LEEUWEN: Yes. What happened was very simple, there's two slabs in front of my house, one was existing, I took the old slab out, dug down three foot, put gravel, then I made the other for the gazebo I ordered the fall before and the guy wanted to get it over there then, when I asked Mike to come out and take a look--

MR. CAKE: Change to existing gazebo instead of proposed. Do you know of, with the shed or the gazebo any trees or substantial shrubbery being taken down?

MR. VAN LEEUWEN: No.

MR. KANE: Any water hazards or run-offs with them?

MR. KANE: No.

MR. KANE: Any complaints formally or informally about the shed or the gazebo?

MR. VAN LEEUWEN: I haven't heard any.

MR. KANE: Any other questions?

MR. MINUTA: Accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: I'd like to make a motion that we forward Mr. Henry Van Leeuwen to a public hearing for his requested existing gazebo and existing shed which will project between the house and the street.

MR. REIS: Second it.

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ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

DONALD FASSBENDER #04-07

Mr. Donald Fassbender appeared before the board for this proposal.

MR. KANE: Request for 5.5 ft. rear yard setback for existing shed at 8 Musket Place in an R-4 zone. Is there anybody in the audience here for this particular meeting? Okay, Mr. Fassbender, tell us what you want to do, same as in your preliminary hearing.

MR. FASSBENDER: Yes, it's, what it is is like I said, it's the footage between the property line, the shed has been there for approximately 17 years, when I purchased the house and it created a huge financial setback for us to, I'd have to dig up the buried pool lines for the heater and the water lines to move it five feet. Also, the fence, when it was built, the fence that surrounds the pool to keep the kids out and everything was built to the shed, so if I move it now, I'm going to have a 17 year old fence with a brand new section.

MR. KANE: So it's there as a safety issue with being part of the fence and storing the pool equipment in it?

MR. FASSBENDER: Yes.

MR. KANE: Any complaints formally or informally about the shed?

MR. FASSBENDER: I wish it was bigger. No, there wasn't.

MR. KANE: Any cutting down of any trees or substantial shrubbery with the building of it?

MR. FASSBENDER: No.

MR. KANE: Creating any water hazards on runoffs with it?

MR. FASSBENDER: No.

MR. KANE: At this point, I will open and close the public hearing, seeing as the public portion of the meeting, seeing as nobody's here and I'll ask Myra how many mailings we had.

MS. MASON: On the 9th day of March, I mailed 72 addressed envelopes containing the notice of public hearing no responses.

MR. KANE: Gentlemen, any questions?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: I move we grant Mr. Donald Fassbender his requested 5 foot rear yard setback for existing shed at 8 Musket Place in an R-4 zone.

MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

SANDRA WELCH (PIRNIK) #04-11

Mr. Sandy Welch and Mr. Robert Enginito appeared before the board for this proposal.

MR. KANE: Request for 21,111 ft. minimum lot area, 25 ft. minimum lot width, 5 ft./2 ft. side yard setbacks and 7 ft. total side yard setback for proposed single-family house on Mt. Airy Road in an R-3 zone. Is there anybody in the audience for this hearing? Tell us what you want to do, Mr. Welch. First, I had one question looking at the layout as far as your variances and whether you can just put it up, clear it up, the home is on an angle, slight angle leaving you 15 feet on this side and 18'8" on this side and that's where we're looking for the side variances. Now, if my math is correct, your house is 55 feet wide, you have 100 foot frontage, you can go if you straighten it out to the lot you can get 22 feet on one side, 23 feet on the other side and do away with two of these variances.

MR. WELCH: That's very doable, we tried to keep it aesthetically parallel, that's an easy change.

MR. KANE: Yeah.

MR. BABCOCK: Mr. Chairman, I think what happened was the--

MR. KANE: If it's not a big deal, I just noticed it and by law, we go for the minimum that we can do, so if that's something you can do without putting a variance in it, that might be better that way.

MR. BABCOCK: If you look at the survey, that surveyor has shown that the side yard requirement is 40 feet and that dotted line is that the buildable area?

MR. WELCH: Being the building envelope.

MR. KANE: If the side yard is 20 with a total of 40, right.

MR. BABCOCK: Yeah, the new is 40, so I think he used the 40 for what today's requirements are, so they said even if they turn the house this way, they'd need a variance, that's why they put the house that way and said let's line it up with the road.

MR. KANE: Today it's over 40,000 square feet so it becomes 40 on the side?

MR. BABCOCK: Yes.

MR. KANE: Okay then we'll leave it as is.

MR. BABCOCK: And I think Mr. Chairman again the--

MR. KANE: Gotten any complaints about the house being built over here?

MR. ENGINITO: No, I'm here in support.

MR. WELCH: We'd leave the trees for a buffer.

MR. KANE: Mike, correct me, straighten me out on one thing, it says requested side yard, permitted is 20 feet, proposed is 15 and 18.

MR. BABCOCK: Yes, but what I'm saying is that when these gentlemen laid out the house when their architect or surveyor did it, they proposed 40 foot side yard setback instead of 20 cause today's zoning is 40 feet, this lot still qualifies for the old zoning under the old zoning until October of this year.

MR. KANE: So do we have to put, I don't know, do we have to put the numbers in for the new zoning or the numbers for the old?

MR. BABCOCK: No, old zoning, they still qualify for the old zoning up until October of this year. After that, we'd use the new numbers.

MR. KANE: Okay, I wanted everything to go down correctly so there's no problem. Will you be cutting down any trees or substantial shrubbery with the building of it?

MR. WELCH: No, the lot's basically a field.

MR. KANE: We covered that anyway, you put this house, you're going to need some kind of a variance according to the new zoning, though the lot is undersized, there's a home, you live next door to the right as I'm looking at this?

MR. ENGINITO: Yes.

MR. KANE: And you have a home because it's an exact same size lot?

MR. ENGINITO: Yes.

MR. KANE: You don't have a problem with the home being built same size even though it's an undersized lot?

MR. ENGINITO: Right.

MR. KANE: Is this water, Town water and sewer?

MR. BABCOCK: Town water, septic.

MR. KANE: At this point, I will open and close the public portion of the meeting and ask Myra about mailings.

MS. MASON: On the 9th day of March, I compared and mailed 20 addressed envelopes containing the notice of public hearing and I had no response.

MR. KANE: Mike, Joe, got any questions? Anything stick out?

MR. REIS: Accept a motion?

MR. KANE: Steve, any questions?

MR. RIVERA: No, not at all.

MR. KANE: Yes, I will, Michael.

MR. REIS: Make a motion that we grant Sandra and Sandy Welch their requested variances for their property at Mt. Airy Road.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

MR. KANE: Are you the owner?

MR. ENGINITO: My in-laws are the owners, they live in Florida.

MS. MASON: I have a proxy.

EUGENE HECHT (ECONO TOWING) #04-13

Mr. Eugene Hecht appeared before the board for this proposal.

MR. KANE: Request for one additional free-standing sign at 161 Windsor Highway in a C zone. Anybody in the audience for this particular meeting? I guess we narrowed it down. Okay, tell us what you want to do.

MR. HECHT: We have four offices in the building complex and only three signs. There's no room for the additional sign. We want to put up one additional sign, you have the photos that you requested from both sides, you can see it's a much smaller sign.

MR. KANE: Sign going to be illuminated?

MR. HECHT: No. The sign will be put up, it's the same as the existing sign as far as the stone work and the shrubs and everything will all be the same as the pre-existing sign so it conforms.

MR. MINUTA: Won't be internally or externally lit?

MR. HECHT: No, neither sign is.

MR. KANE: And in your opinion and looking at these photographs, there's no obstruction for motorists with that sign from the road?

MR. HECHT: No, it's a state setback that we have to maintain.

MR. KANE: Or pulling out from your premises?

MR. HECHT: None whatsoever. Matter of fact, the sign will probably be blocked on one side, you won't even be able to see it.

MR. KANE: Cutting down any trees or substantial shrubbery in the building of this?

MR. HECHT: No.

MR. KANE: Create any water hazards on runoffs?

MR. HECHT: No.

MR. KANE: Any easements running through where the sign's going to go?

MR. HECHT: None.

MR. KANE: At this point, I will open and close the public portion of the meeting and ask Myra on mailings.

MS. MASON: On the 9th day of March, I compared and mailed 31 addressed envelopes with the notice of public hearing and I had no responses.

MR. KANE: Any questions, gentlemen?

MR. MINUTA: No.

MR. REIS: No.

MR. RIVERA: None. Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: That we grant Mr. Eugene Hecht the request for the one foot additional freestanding sign at 161 Windsor Highway.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA AYE

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MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

STRATEGIC HOMES, LLC #04-10

Mr. Michael Reis appeared before the board for this proposal.

MR. KANE: Request for 1,790 sq. Ft. minimum lot area for a proposed single-family house on Sycamore Drive in an R-4 zone.

MR. KANE: I assume you're going to recuse yourself from voting on this?

MR. REIS: Yes. Back in August, the owner of the property, a John and Linda Taldone called our office to help them sell their property located on Sycamore Drive, it's a wooded lot, there are 4 lots each 25 foot by approximately 200 foot that are being combined to make 100 by 200 foot lot which is approximately 1,790 square foot short of a buildable lot. It has sewer, it's lightly wooded and the purpose of this is to build a single family dwelling. There's Town sewer, drilled well will be required and that's what the application is for. They have asked me to accomplish this variance for them, that's why I'm here.

MR. KANE: So they purchased the four, three other sections to make one area?

MR. REIS: They've owned the four lots for probably over 35 years.

MR. KANE: They combined them to make one lot?

MR. REIS: Correct.

MR. KANE: Do they own any property on either side?

MR. REIS: We spoke with one of those sellers and they had no interest in buying those properties.

MR. KANE: Mike, how long ago did they combine the property?

MR. REIS: These were bought together and how long have they been single, Mike, I don't know the answer to that question, I mean, they're contiguous lots so--

MR. KANE: They've owned them all at the same time?

MR. REIS: Yes.

MR. RIVERA: If I may for the record, although I'm affiliated with the Reis Agency, I am in no way involved with this transaction, I can make a decision on this.

MR. KANE: Thank you for that. Joe, any questions?

MR. MINUTA: No.

MR. KANE: Do we have any specs for what size house?

MR. REIS: Going to be approximately 2,500 square feet, approximately 48 x 26, that's approximate, Mike.

MR. BABCOCK: We have a set of plans, building plans.

MR. KANE: Is that going to be similar to other homes that are currently in the neighborhood?

MR. REIS: Probably a little bit larger, it will definitely I think it will definitely.

MR. KANE: Just going to ask you, until we open it up to the public, thank you.

MR. REIS: It will be a beautiful colonial with an attached two car garage that will enhance the neighborhood, it will not take away from the neighborhood in any way.

MR. MINUTA: So this house is not similar to the other houses in the neighborhood?

MR. REIS: For the most part, it's bigger, there are other homes in the area that are comparable in size but this is, in the immediate area, it's probably bigger than most, I just want to make sure that all you folks are aware there's another request for a variance coming aboard that's on Chestnut, this is not that property, this is on Sycamore.

MR. MINUTA: The proposal will meet all the existing setback requirements?

MR. REIS: Yes.

MR. MINUTA: And all other zoning requirements, the only one we're looking for is the area?

MR. REIS: Lot size, right, which is minimal, it's only 1,700 square feet.

MR. KANE: Not substantial. I think best interest right here at this point is probably to open it up to the public and listen to what you all have to say. So I will ask you, ask you just to, as you want to speak, stand up, please state your name and your address and say what you have to say.

MS. DREYER: My name is Tamara Dreyer, I live at 336 Sycamore. That property is adjacent to mine, my house is 945 square feet, it's not comparable to other houses in this neighborhood, not even close. If it's not a legal building lot, I don't want a house on it, just don't, it's nice to have a wooded area right there.

MR. QUARTUCCIO: Jim Quartuccio, 340 Chestnut Avenue, can you explain to me the four lots put together how that worked, what was that all about?

MR. KANE: Best is to show it to you, if you want to step up. Off the record.

(Discussion was held off the record)

MR. KANE: To answer that question right now, I had asked Michael before the approximate size of the house is 48 wide by 26 deep, it's 100 foot wide property which means that they're going to have approximately what, 26 feet on each side of the house?

MR. BABCOCK: Well, there's a garage too, Mike.

MR. KANE: Can you give them the side yard?

MR. BABCOCK: Well, they're allowed to go 15 feet, that's the law.

MR. KANE: And they're not going to be, they're not looking for any side yard.

MR. BABCOCK: They're not looking for side yard but I'm going to say they're going to be close to 15 with the house 48 and a garage that's 24.

MR. KANE: It's not going to be close, it's going to be within legal limits, they're not here for any variances on the side. Anybody else have anything they want to say?

MRS. QUARTUCCIO: Regarding the water in the areas for the wells, water pressure there is horrible as it is, Debra Quartuccio, we live right behind, 340 Chestnut Avenue, we live, our property runs up behind his property, middle of her property and right behind that property. And our concern is our well because we have all had problems there. If we had Town water there, I don't know if I'd be concerned. My biggest concern

would would be that beast of a house, that is a beast of a house in our neighborhood, okay, it's not like it's a subdivision that you're putting all those homes in and it's going to be towering over her house and it's going to be towering over his house too because he has split level and I have a bi-level, it's just going to be a big eyesore in the back of my yard. But my concern is the well problem cause we've all had well problems there, that big nasty truck on everybody's lawn, so if the zoning law is already there stating that you can't, you have to have a certain minimum square foot on the property, isn't it there to protect us people who are already there?

MR. KANE: And this board is here as a board of appeals to protect the people that need a variance from said laws which is correct. You also have people that own that property are trying to do the right thing by putting it altogether and I'm neither for or against this right now, but they pay taxes on that property just as you for yourself and they have a right for use of that. This is not an overwhelmingly request that they have, that's what the idea of the board of appeals is is to come in and find relief for small situational problems.

MRS. QUARTUCCIO: I tell you if I knew a little bitty piece of property would have been for sale, we all would have bought that property and nobody would be, it's all for profitability though.

MR. KANE: Everything is, ma'am.

MRS. QUARTUCCIO: And there was four people who owned it so how big have those taxes been?

MR. KANE: It doesn't matter, you have a right to the use of your property.

MS. QUARTUCCIO: My thing is I think that if the laws

already state that you can't have a, you can't do that, then I think it should be upheld.

MR. KASELLO: I live at 344 Chestnut Avenue. When we moved in, we have our place on Chestnut Avenue, our static water level at that time was about 12 or 14 years ago was at about 100 feet, we're down to 160 foot static level now so it's 60 foot down on the water level. So it's a little problem. And there's a lot of people in the area who had wells that had to be redone over and over and over again in the Beaver Dam area, Mike would know all about too. So I think we had people in the back, they were going to build homes in back of us, lot of homes and basically the same thing came up with the water and they realized it's a problem, you put in a lot of homes, since we're down 60 foot statically, that's pretty bad. Once you get lower than that, you're going to have water then what, unless you want to put water in.

MR. GORGLIONE: Richard Gorglione, 331 Sycamore, right across the street. When they put the houses in, my well didn't go down, mine was down 500 feet to put the well in. And why is it such a monstrous house on that acreage on that lot, I mean, if you had something more confined like she said, I only got a split, she's got a tiny house, the guy next to him is tiny, now you're putting this mansion in a sand box.

MR. KANE: Relatively, the 2,500 square feet is not that much bigger, in your neighborhood probably yes but if you look at all other homes that are being built in the area, Butterhill, they all run in and around 2,200 square foot area, it's pretty standard out there. Right now, in your neighborhood, yes, it probably looks very big, okay, but I'm just saying size wise out there in relationship to everything else that's being built it's right there. I'm not saying--

MR. GORGLIONE: So out of place you're putting a

mansion and then--

MR. BABCOCK: Mr. Chairman, just to correct something before, the house and garage is 60 foot long in total.

MR. KANE: House and garage is 60 foot long?

MR. BABCOCK: So 20 on each side.

MR. KANE: Fifteen is the required.

MR. BABCOCK: He can go 15 and 30 but I'm sure he's going to have--

MS. COROZZA: I'm on Chestnut Avenue and I'm probably behind this somewhere, Emily Corozza, 314 Chestnut Avenue, three years ago six of us three people across the street three houses across the street, my house, house behind them, the house on the corner, our wells went dry within one week and prior to that the house next door to me on the other side of my garage they went dry about two years before that, this is six people who lost their water. It cost me \$11,000 altogether to put in a new well, because it was icy, they couldn't reach the old well, I had to put in a brand new one and it's on the other side of the garage, I think that property is probably behind there somewhere, that's a lot of money to spend on this and six people had to dig their wells very deep. The one across the street she dug hers deeper, she got a very small amount of water and had to pay \$6,000, I don't know what the rest of them paid, that's a lot of wells going dry and that's a good reason.

MR. MINUTA: Ma'am, could you please restate the reason as to why they went dry, why you believe they went dry?

MS. COROZZA: The aquifer goes down because there's so many houses close together if they had more land, I don't think it would happen.

MR. KANE: If you're talking in the back, we can't hear what this young lady's saying before we have to repeat comments, I'm really going to ask you just to keep your comments in one shot and we go on. We have a lot of people here.

MR. AUDIE SOTO: Audie Soto, 330 Sycamore Drive. I'm the new kid on the block but I have been up here for five years, I came from the City. One of the things I want to voice about my well water as well I understand they have a concern, they have been here longer than I have and if they say they have problems then chances are I'm going to have a problem. One of the things I wanted to ask I'd like to ask like in the event that this does start, this does get approved, what would be a start date of the ground breaking if it does get approved?

MR. REIS: Probably within 30 to 45 days.

MR. SOTO: Of this month.

MR. REIS: If that's approved within 30 to 45 days.

MR. SOTO: And just is there enough, pretty much is there enough property for this house to actually have a back yard? I mean, I live near, I mean right alongside and it's not a big piece of property.

MR. KANE: They haven't requested any offsets for the building of the house except for the total square footage of the property, that's it, other than that, everything else would fall, if the property was just a little bit deeper, forget wider, if it was another 20 feet deeper or so they wouldn't even have to be here for anything and they can just go ahead and build. So it is just is square area, they're not requesting any offsets whatsoever, they're legal every other way except for the total amount and that's not really a lot

from what we've seen but just answers your question.

MR. SOTO: Just a history of the builders, are they reputable builders?

MR. REIS: He's built many homes in the immediate area anywhere from low 300s up to the high 500s and 600s, he's very competent, very, very trustworthy, good people to deal with. Again, this particular lot is the same and sometimes larger than all the other lots in the area.

MR. SOTO: I think that the concern is the size of the house and the well water, those are the two things that we're seeing within my neighbors and me. And just another question if it was possible to get a copy of that map that you had there if--

MR. REIS: Do you have extra maps?

MR. KANE: We can make a copy.

MR. SOTO: That's all I have to say.

MR. MINUTA: Mike, with regard to the size of the house, they meet all of the requirements as far as size of the property, correct?

MR. BABCOCK: Yes.

MR. MINUTA: So anyone who had this size lot can put up a house equal to this size?

MR. BABCOCK: Yes.

MS. ARENA: My name is Debbie Arena, 354 Chestnut Avenue and my concern is the well because I have already had to dig deeper for my well twice.

MR. KANE: Twice over how many years?

MS. ARENA: I've been there 18 years so it seems to me that every time we put in like three or four more houses in that small area in Beaver Dam Lake, our well pressure goes lower and that's my concern because I don't have \$11,000 extra to go dig a deeper well. I have already done it twice. I have dug deeper, I didn't have to do a whole new well, just had to go deeper. So with the houses keep coming in the area we're all losing water pressure and we're all losing water, you can't sell your house, you don't, nobody's going to want to move into the neighborhood if you don't have water. So what's the Town thinking of protecting us existing residents with the water levels going down with the new homes coming in, the size of the house. He has a right to build, he owns the property, my concern is losing water and what the Town would do to protect us from keep going dry.

MR. KANE: Thank you.

MS. DREYER: Tamara Dreyer again for the record and for the record, I want to say I do believe this is a conflict of interest having one of your board members represent a variance. That's number one.

MR. KANE: You can put that on the record, it's part of his regular job like anything else, he works for a realtor and that's his job and it comes up.

MS. DREYER: But he also sits on this board, so I do believe it's a conflict of interest. I wanted it on the record.

MR. KANE: So you believe that the three board members sitting up here wouldn't, could not vote fairly on this with another board member?

MS. DREYER: I don't know you all that well to say that, I just want to put it on the record. I have

another question, the rock wall going through the property, what's going to happen to that? There's a rock wall that goes diagonal through that property.

MR. BABCOCK: Well, they're going, they're going to have to remove part of it.

MR. REIS: The house is going to be about here, I would say so probably possibly part of this wall will be taken out of here.

MS. DREYER: You're not going to take all of it out?

MR. BABCOCK: The thing is if they sell it to anybody to be very honest, they sell it to you and you decide to move the rock wall, you can do that.

MS. DREYER: I understand, I'm just asking what's happening, we all like it, it's all part of the fixture in the neighborhood.

MR. REIS: I want desperately to be honest with you, desperately, and yes, if this closes as a broker we're going to get paid for our services, okay, this is not going to change my life. I think this, if it goes through, I think it will enhance your property, it will not deter or take away from your property. I'm just a salesperson here trying to help the people in the southwest sell their property, okay, so if it goes through, good, if it doesn't, we tried. Okay? So what happens to this wall, I can't stand here, I can't tell you but he is going to be putting the house approximately in this area and more than likely this is probably going to be in the way of some of the machinery and he probably will be removing some of it, how much of it, I don't know. I doubt very much it will be back here and I doubt if it will be up in this front end over here.

MS. DREYER: I'm right there and as far as I know, my

property goes on that diagonal, I don't know how good of a survey that is, my property says I'm on a diagonal so--

MR. REIS: We have to assume the survey's accurate.

MS. DREYER: I just bought less than a year ago.

MR. BABCOCK: It is, the road is, well, the road is this way, see it?

MS. DREYER: Now I understand.

MR. BABCOCK: So it makes it--

MS. DREYER: And the wooded lot, are they taking down all the trees?

MR. REIS: Take down as few trees as necessary to be able to build the house.

MS. DREYER: If this does go through--

MR. REIS: Where the driveway and the footprint of the house is going to be, he's going to try to keep as much trees there as possible.

MS. DREYER: I have a concern because a lot of the trees that abut our property line are hanging directly over my house and I would like them gone, if this goes through, I was going to take them down myself, not knowing this was coming up, they're going to, if they fall, they're taking out my whole property, my house is gone.

MR. REIS: Ma'am, I can't really control that, you understand that.

MS. DREYER: I thought that's what we were here for was for all of this.

MR. KANE: We're here for a variance for square footage for building a house. If they decide not to build a house and go in and take all the stuff down, they have the right to without any question whatsoever, so it's nothing that's under our control.

MS. DREYER: Okay.

MR. KANE: At least as far as that portion of it.

MRS. QUARTUCCIO: Deborah Quartuccio, 340 Chestnut Avenue. Are they touching the back stone wall cause that's my property?

MR. REIS: Not to my knowledge.

MRS. QUARTUCCIO: And my well is at 320 feet already and I have well problems now, we have sunk two, what are they called, pumps, two pumps already and we have lived there 12 years and we have had Congelossi out a couple times already. So I just wanted that out there too.

MR. KANE: Okay, any other comments or questions? Okay, we'll close the public portion of the hearing and ask Myra how many mailings.

MS. MASON: On the 9th day of March, I mailed out 31 envelopes containing the notice of public hearing and I had no responses.

MR. KANE: Sir, can I ask you a question? How long have you lived there? Who's lived there the longest? How many homes are in that area?

MR. GORGLIONE: 331 Sycamore, I'm directly across the street from this house that's being built.

MR. KANE: Approximately, how many homes?

MRS. GORGLIONE: On a given block on our block on Sycamore I would say there's 7 up into New Windsor and 6 on the other side.

MR. KANE: Thank you.

MRS. GORGLIONE: I wanted to ask what the actual size of the house was?

MR. KANE: 48 by including the garage 60.

MR. REIS: Sixty feet long.

MR. BABCOCK: Thirty by sixty.

MR. KANE: That will cover the garage.

MR. BABCOCK: There's some jigs and jogs there, the garage is actually 24 instead of 30.

MRS. GORGLIONE: And that still leaves the amount of space that's required on either side?

MR. KANE: Yes, ma'am.

MR. MINUTA: I think the residents raise a valid point with the well, however, with this particular piece of property, if it was their piece of property, they'd want the ability to build on it. Well is not an issue that we by this board can control, that's just a fact of nature and science. What retribution is there maybe for that I don't know either. I do recognize the concern for this but I do not have an answer at this time to say yeah or nay whether the well should be the deciding factor on this.

MR. RIVERA: I just wanted to point out does Strategic Homes, have they looked into the well water situation in that particular area?

MR. REIS: I really don't know. Each well that's dug there might be a well for 200 feet, there might be a well for 600 feet and he's probably going to be somewhere between that.

MR. KANE: Mike, do you have any information on you said the approximate size on those plans was 60 x 30 on the home itself?

MR. BABCOCK: Yeah.

MR. REIS: Right.

MR. BABCOCK: The home is actually 30 x 38 and the garage is 22 x 24, so the entire length is 60 feet and the widest part is 30, the narrowest part is 24.

MR. KANE: Can I see that, Mike?

MR. BABCOCK: Absolutely.

MR. MINUTA: How many bedrooms?

MR. REIS: Four bedrooms.

MR. KANE: Mike, our question to you is that most of us that you know we always feel people have a right to use their property and we need to weigh that with the neighbors that are in that area for their well-being and the use of the water going right in there so I'm going to at this point ask you is this something that you want us to table a vote on so that you can present some information or the owners of that property? Can a well study for that particular property to build on it be done and its affect on that neighborhood and bring it back here or would you prefer that the board just vote on the facts as presented tonight?

MR. REIS: I need help here, I don't know.

MR. KANE: Well, my question would be then is that you would go and ask the owners if they want to get involved in any kind of, to get some information so that would answer these people's questions out here as to what that building a home on that particular property would do with the understanding that anybody else could come in with a smaller house and you have no say whatsoever, doesn't matter, so at least if they're in here, it's something that you have a say.

MR. KRIEGER: You'll have to contact his principles so you might want to table it cause he can't answer that question right now.

MR. KANE: That's my point, we would table the vote and to bring it back here in two weeks for our next meeting, give you enough time to call your people and if they decide that's nothing and they just want us to go, we'll take a vote at that time and it will be the next meeting, if it's a no, we'll take you definitely at the next meeting, if it's something that they want the information, we'll table it until you present it and then we'll put it back out to the public, as far as notifying that that will be coming up for a vote.

MR. REIS: What do you think would give you, what information specifically do you think that the board would need?

MR. KANE: If they can talk to somebody that has enough knowledge to take a look at that property and find out what kind of use another well on that particular area, what kind of impact another well on that area will have on that particular neighborhood.

MR. REIS: It seems to me that I that and believe me I have the same concerns I'm not living there but I understand your concerns, okay, but we have had similar and I understand that each variance requested does not

set a precedent for another but trying to isolate each issue here now we have a 1,700, 1,790 square foot lot area that we're looking for and to hold the property hostage because of a well situation that may or may not occur, all right, I mean, we talked about 13 homes in that immediate area, there's, I've heard the same thing from the way crow flies a mile away the same issues, okay, and we have put up in the Town of New Windsor we put up a 6 lot cul-de-sac behind this on Rico, we put up an 8 or 9 lot subdivision off of Chestnut on the other side, this is one lot, one lot with a very, very small requirement that we're looking for and I don't quite understand the lot, I understand it, but I don't get the logic of why we're, the lady's comment about me having a conflict.

MR. KANE: Well, we won't even go there, I have the utmost faith and everybody on this board voting we have done it before.

MR. REIS: I'm just a messenger here, that's all I'm doing. I don't know if we can produce anything to guarantee anybody anything.

MR. KANE: You want just the time to talk to the homeowners till the next meeting?

MR. REIS: Talking about the property owners?

MR. KANE: Yes, your clients, just inform them one way or the other on what's going on in this particular meeting and give them a chance to make a decision one way or the other.

MR. REIS: A decision?

MR. KANE: To see if there's somebody with the expertise to look into the water or just say no, we want to put it in front of the board the way it is.

MR. REIS: Michael, can I ask you a question?

MR. BABCOCK: Sure.

MR. REIS: Have you ever had a situation where this type of a situation came up where we had to, not we, but the property owner had to submit?

MR. BABCOCK: It's very difficult, it's very difficult, the well drillers, I live in that area myself, and I have problems with my well, I don't know anybody that really doesn't, you know, I'm saying there's probably people out there that doesn't have a water problem but when I talk to the well driller myself, they tell you they've got an idea, they have drilled wells in the area, this is what happens and they might have to go deeper and but there's no guarantees, there's nothing and they can put a well deeper at my house and anybody could lose his well. There's very little out there and there's very few people that will give you any information that's binding them at all and we have gone through with the planning board, I have been at planning board meetings where there's been subdivisions and they have asked people to do and there's a, there's companies out there that will look at areas and tell you what you should do and how you should do it and whatever but--

MR. KANE: But they sign off, there's no guarantees one way or the other.

MR. BABCOCK: I'm sure this property owner, I don't know whether he lives in Beaver Dam or not, the property owner's not going to have any idea himself personally.

MR. REIS: He lives in Las Vegas.

MR. BABCOCK: If he ever lived in Beaver Dam, that's the problem.

MR. REIS: I'd like to try to isolate and capsulize this whole situation and I understand your emotion and I understand that you'd like to protect your interests in your property and if I were living next door to you I would possibly probably feel the same way. We've got a lot that's this much smaller than it's supposed to be to build on in the past and again, we don't set precedents here, each variance that's given, it's given on its own merit, we have given variances for lots that are half as big that they should be this again it's a minimum variance in the scale of variances.

MR. KANE: To me, it's not the house size, it's the water that's in there, I'm sorry, but 2,500 square feet is not a big house nowadays, just isn't. Water is the problem, water is the issue that we're getting from you guys and that's the main issue right here.

MR. REIS: I'd like to accommodate everybody, all right, I'm just a salesman here, I cannot accommodate what you need, I cannot fill your well, I don't want any of that, you understand that, I can't do any of that, I don't want to hurt anybody here. I'm very sensitive to your needs. I'm a very caring individual. The fact of the matter is is that it's a very small variance and there's nobody in this great earth that's going to say that if we dig another well whether it be 2 or 4 or 900 feet that it's not going or it's going to affect anybody else, it's an unknown, it's an unknown, to postpone this just to give the people, if I say let's postpone it and take a week or two to the next meeting, I make two phone calls, we've got a lot of neighbor resistance because of the wells, what are they supposed to do, what can they? Do you know what they can do? There's nothing they can do. There's nothing that they can do on Chestnut or Sycamore, there's nothing that they can do to protect anybody's interest whether it be Chestnut or Sycamore or Cherry or Alder or any of the streets, there's three miles of streets

in Beaver Dam Lake or five miles.

MR. KANE: How many bathrooms are in the house?

MR. REIS: Two and a half, I believe.

MR. KANE: Possibility to cut down to one and a half?

MR. REIS: To answer your question, certainly it's a possibility, I would not recommend it for the size house that he wants to do there.

MR. KANE: There's a laundry area?

MR. REIS: Yes, just a washer and dryer facility. I don't have a problem to open up to answer questions if she's got something different to say.

MR. KANE: Very short one question each. Sir?

MR. SOTO: Just wanted to state a question was more for the gentleman that's sitting there, I understand that it is the well water is not an issue I guess in this area but given the fact that the history with the well water amongst the neighbors that they have had and seeing that we have such a great concern over it, I mean surely that's got to be some importance to this, to what we have to say. That's all I have to say.

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MR. DREYER: Just want to know if that property is transferred already?

MR. REIS: No.

MR. KASELLO: That's me, I'm exactly, that's, mine went from 100 down to 160 static.

MR. KANE: That's what you've said previously. I remember that.

MR. KASELLO: Right now when that happened was when they built five homes in the back of us and they were going to build many more, but it was knocked down to five and even with those five homes I've noticed that the water level is down.

MR. GORGLIONE: I'm right across the street, you have lot smaller homes than this monster that I see that was drawn, it's not, it's not in place in this neighborhood, I'm telling you it's not in place in the, in this neighborhood.

MR. KANE: You're starting to start repeat and I don't want to do that, this is for something new now, I'm being very lenient in opening it up.

MS. DREYER: What size house can legally be put on that property without a variance?

MR. MINUTA: This house can be put, he's going for a variance for lot area, okay, the lot area is the size of your property itself, he's 1,790 feet short on that which is very insignificant when you look at the property as an overall scope, it may be the difference of your driveway, okay, you're looking at 1,700 square feet so that's basically what, 20 by 100, right?

MS. DREYER: I'm not understanding this, maybe I need to ask my question a different way. This is not a legal building lot then?

MR. BABCOCK: Let me just say in Beaver Dam, if you have a lot that's 50 foot wide and 100 feet long which is 5,000 square feet and you have Beaver Dam Lake water and sewer, you can build a house on it, the community water, so I'm just saying 5,000 square foot is a buildable lot, this one is 21,000.

MR. MINUTA: Is there an anticipation, I'm not going to hold you to a date, but is there an anticipation of

Town water going out to this area?

MR. BABCOCK: I would say no, it's just too far, Joe.

MR. KANE: Anything new?

MR. GORGLIONE: That's what is causing our wells to go dry. When I bought my property, you had to have an acre, then half acre, now it's down to 500 by 100 so yes, we all bought property and we all want houses which is fine, but the problem is since we're all on wells and there's no hope in getting Town water there, this is why we keep going dry and there's nothing to protect us.

MR. KANE: Is there anything new? Thank you.

MR. BABCOCK: I have one thing on the bathroom count, there's two bathrooms in this house, one main bathroom and one in the master bedroom so could be considered a bath and a half.

MR. KANE: Okay, Joe, any other questions?

MR. MINUTA: No.

MR. RIVERA: No.

MR. KANE: Mike, you want to just go forward with it this evening or you want take a chance just to talk to your clients?

MR. REIS: I think a postponement will just delay a vote that's got to be taken. I know the emotion here is strong and I know you guys want to do the right thing, I don't know that two weeks there now anything can be different, I don't know what I can provide to change the emotion here.

MR. KANE: Understood.

MR. REIS: Do you have any suggestions, Mike?

MR. BABCOCK: No, there's nobody out there that's going to tell you if you drill another well it's going to either help or hurt. I've heard stories from the well drillers when they drill other wells that it actually creates more water if they hit your vein and somebody else's vein, there's so many, it's just, it's an unknown, it really is.

MR. REIS: As far as I'm concerned, we have to do what we have to do.

MR. KANE: I'll listen to a motion if anybody wants to make it.

MR. RIVERA: Accept a motion?

MR. KANE: Yes.

MR. RIVERA: That we grant the Strategic Homes requested 1,790 square foot minimum lot area for proposed single-family house on Sycamore Drive in an R-4 zone.

MR. MINUTA: Second it.

ROLL CALL

MR. RIVERA	NO
MR. MINUTA	NO
MR. KANE	AYE

MR. KANE: I'll take a motion to adjourn.

MR. RIVERA: So moved.

MR. MINUTA: Second it.

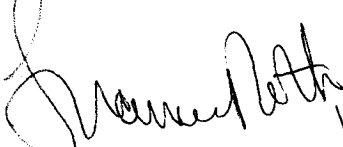
March 22, 2004

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ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

Respectfully Submitted By:


Frances Roth
Stenographer 4/14/04

TOWN OF NEW WINDSOR ZONING BOARD
PUBLIC HEARING FOR:

Strategic Homes

DATE: 3-22-04

SIGN-IN SHEET

	NAME	ADDRESS
1.	Tamara L. Dreier	336 Sycamore Dr. New Windsor
2.	Debra Quartuccio	340 Chestnut Ave. New Windsor
3.	James Quartuccio	340 Chestnut Ave " "
4.	AUDIE SOTO	350 SYCAMORE DR " "
5.	RICHARD GORGLIONE	331 SYCAMORE NEW WINDSOR
6.	GAIL GORGLIONE	331 SYCAMORE NEW WINDSOR
7.	Emily C. Grogan	314 - Chestnut Ave. " "
8.	Debra Quinn	354 Chestnut Ave New Windsor
9.	Dorothy Kasello	344 Chestnut Ave NW
10.	EUGENE KASELU	" " "
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